

***DETAILED ACTION***

1. This action in response to RCE filed 01/20/2010 and Examiner's initiated interview for Examiner's amendment dated 03/01/2010 for further prosecution after getting approval from SPE William Vaughn.

**Claims 1, 10, 16 and 19** are amended

**Claims 6, 12-13 and 20- 21** were cancelled with previous amendments.

**Claims 1-5, 7-11, 14-19 and 22-23** have been examined on merits and are pending in this application.

***Continued Examination under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/20/2010 has been entered.

***Response to Amendment***

3. Acknowledgment is made for Applicants Amendments for claims filed on 01/20/2010.

Applicant's amendments to claims necessitated updating search.

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Applicant's not agreeing to Examiner's Amendment for claims necessitated new ground(s) of rejections as stated below.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 4. Independent Claims 16, and dependent Claims 17-19 and 22-23** are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

As for Claim 16 A computer storage medium having computer executable instructions for targeting content, the specification page 4, lines 8-15, discloses Computer storage media includes, but is not limited to, RAM, ROM, EEPROM, flash memory or other memory technology, CD-ROM, digital versatile disks (DVD) or to other optical storage, magnetic cassettes, magnetic tape, magnetic disk storage or other magnetic storage devices, or any other medium which can be used to store the desired information and which can be accessed by computing device 100.

Further, By way of example, and not limitation, communication media includes wired media such as a wired network or direct-wired connection, and wireless media such as acoustic, RF, infrared and other wireless media. The term computer readable media as used herein includes both storage media and communication media", as disclosed in page 4, lines 24-27 can be signals on a

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system or network. Per the computer program product, such encompasses a carrier wave or transmission medium (carrier waves and/or transmission medium(s) are each computer readable medium(s)); unlike "A computer program product comprising computer executable instructions embodied in a hardware computer-readable storage media", is statutory.

5. As regards to independent **Claims 1 and 10** and there corresponding dependent **Claims 2-5, 7-9 and Claims 11 and 14-15** which are method and system claims incorporate corresponding hardware to implement the method and system claims, which are allowed, after updating search and not finding any prior art.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muktesh G. Gupta whose telephone number is 571-270-5011. The examiner can normally be reached on Monday-Friday, 8:00 a.m. -5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MG

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444